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Amendment
Attorney Docket No. S63.2N-7311-US02

Remarks

This Amendment is in response to the Office Action dated December 23, 2004. In the Office Action, claims 1 and 33-35 were allowed. Claims 30, 36-38 were rejected under 35 USC § 103(a) as being unpatentable over Euteneuer et al. (5,989,280) in view of Ding (5,899,935). Claims 31, 32, 39-44 were rejected under 35 USC § 103(a) as being unpatentable over Solar (5,403,341) in view of Ding (5,899,935). Claims 30, 31, and 32 have been amended. No new matter has been added.

The paragraphs below correspond to those of the Office Action.

35 USC § 103

Claims 30, 36-38 are rejected under 35 USC § 103(a) as being unpatentable over Euteneuer et al. (5,989,280) in view of Ding (5,899,935). Applicant has amended claim 30 which now recites "a tubular section of biodegradable material for covering an unexpanded stent wherein such tubular section is dimensioned so as to constrain the expansion of the stent, the tubular section attached to the stent with a biostable material". Euteneuer does not teach or suggest a biodegradable material, let alone one attached to the stent with a biostable material. Ding does not teach or suggest anything that would supply this missing teaching.

Neither Euteneuer nor Ding separately or combined does anything to overcome the failure of Euteneuer alone to teach or suggest a tubular section of biodegradable material attached to the stent with a biostable material. The rejection as to claim 30 is respectfully traversed.

Claims 36-38 are allowable for at least the reason that they depend from independent claim 30 which is believed to be allowable. Withdrawal of the rejection is respectfully requested.

35 USC § 103

Claims 31, 32, 39-44 were rejected under 35 USC § 103(a) as being unpatentable over Solar (5,403,341) in view of Ding (5,899,935).

Applicant has amended claim 31 which now recites "the tubular section comprised of at least one band, the at least one band having a single line of perforations at which

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the band comes apart". There is no teaching, suggestion, or motivation presented in either Solar or Ding to use a "tubular section comprised of at least one band, the at least one band having a single line of perforations at which the band comes apart" as recited in independent claim 31. In as much as Solar teaches a band, the band in Solar discloses a band having multiple lines of perforation which partially tear rather than coming apart. In addition, Ding fails to provide this teaching. For at least this reason claim 31 overcomes the obviousness rejection. Claims 39-41 are allowable for at least the reason that they depend from independent claim 31 which is believed to be allowable.

Applicant has amended claim 32 which now recites "the tubular section comprised of at least one band, the at least one band being of a helical construction". There is no teaching, suggestion, or motivation presented in either Solar or Ding to use "at least one band being of a helical construction" as recited in independent claim 32. In as much as Solar teaches a band, the band in Solar discloses a band having ends which are parallel to one another and perpendicular to the longitudinal axis of the band, thus not helical. Ding also fails to provide this teaching. For at least this reason claim 32 overcomes the obviousness rejection. Claims 42-44 are allowable for at least the reason that they depend from independent claim 32 which is believed to be allowable.

Furthermore, Applicant respectfully submits that there is no teaching, suggestion, or motivation presented in either Solar or Ding, either explicitly or implicitly, for combining the two references.

Withdrawal of the obviousness rejection of claims 31, 32, and 39-44 is respectfully requested.

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Conclusion

In light of the above comments, claims 1 and 30-44 are believed to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

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